IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 46320
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Jason BLAKELY, et al.	:	Confirmation Number: 3618
	:	
Application No.: 09/577,722	:	Group Art Unit: 2178
	:	
Filed: May 23, 2000	:	Examiner: C. Huynh
	:	

For: METHOD AND SYSTEM FOR DYNAMIC CREATION OF MIXED LANGUAGE
       HTML CONTENT THROUGH MT

REPLY BRIEF

Mail Stop Appeal Brief - Patents
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Reply Brief is submitted under 37 C.F.R. § 41.41 in response to the EXAMINER'S

ANSWER dated April 2, 2007.

The Examiner's response to Appellants' arguments submitted in the Appeal Brief of

January 16, 2007, raises additional issues and underscores the factual and legal shortcomings in

the Examiner's rejections. In response, Appellants rely upon the arguments presented in the

Appeal Brief of January 16, 2007, and the arguments set forth below.

The Examiner's response to the arguments presented by Appellants in the Appeal Brief of

January 16, 2007, is found on pages 7 and 8 of the Examiner's Answer.

On page 7 of the Examiner's Answer, the Examiner admitted that the Fourth Office misquoted the teachings of Lakritz. Specifically, where the Examiner once argued that "*only a portion of the document on the site need be translated*" (emphasis in original), the Examiner is agreeing that the quotation should have read "*only a portion of the documents on the site need be translated*" (emphasis in original, bolded "s" added). This distinction is important because Appellants have consistently argued that Lakritz fails to explicitly disclose "automatically programmatically translating the portion having the first language into said at least one target language with said 'lang' attribute as a key for machine translation in order to produce a mixed translation of the text," as recited in each of independent claims 1, 4, and 7, and the misquoted language could have arguably been used to identically disclose this limitation. Instead, this passage only discusses portions of document*s* and is not relevant with regard to a claimed limitation directed to a portion within a single discreet document.

Notwithstanding this correction, on page 4 of the Examiner's Answer, the Examiner is still relying on the above reproduced language in Lakritz to identically disclose the limitation identified above despite this passage not being relevant to the claimed limitations. In this regard, reference is made to page 4 of the Examiner's Answer, in which the Examiner asserted the following:

> the fact that only a portion of the documents on the site need to be translated shows that the translated portion has a target language which is different from the language used for the entire web documents, and because the web documents include two languages together, the web documents are produced as a mixed translation of the text.

Although the Examiner's assertion is partially correct, the Examiner's logic based upon this assertion does not lead to the conclusion that Lakritz discloses a document, in which a mixed translation of the text of the document is produced.

The Examiner's assertion that "because the web documents include two languages together, the web documents are produced as a mixed translation of the text" is factually unsupported and logically unsound. Nowhere does Lakritz identically disclose or even imply that "the web documents are produced as a mixed translation of the text." Moreover, because the documents (i.e., a plurality of documents) include English, French, German, Japanese, Italian, Spanish (See Fig. 12 of Lakritz) does not necessarily lead to the conclusion that certain of these documents contain <u>more than one language</u>.

The Examiner's "new" analysis is found on page 8 of the Examiner's Answer. Initially, the Examiner asserts:

> Lakritz discloses that *a single document can easily support many languages*, and allowing *multilingual content to be served in a HTML file* (col 7, lines 3-30). (emphasis in original)

For ease of reference, column 7, lines 3-11 is reproduced below:

> The advantage to using templates is that a single document can easily support many languages and countries. For example, a single form or CGI-generated document can be constructed so that it will be automatically, localized for different languages and locales. This significantly reduces the number of documents that have to be maintained on the site and makes it very easy to add new languages. It also allows a single update to a document to be immediately propagated to all languages and countries.

Lacking from the Examiner's analysis is a clear description as to how Lakritz uses a single document to support many languages. Contrary to the Examiner's implied assertion that Lakritz supports these many languages within a single document, Lakritz neither explicitly nor inherently makes such a teaching. As will be subsequently discussed in greater detail below, Lakritz teaches that a document in a master language is translated into different languages to

create additional separate documents. In this manner, the ability to "support many languages and

countries" is provided by the master language document.

The Examiner further asserted the following on page 8 of the Examiner Answer:

> Lakritz also shows how to perform a multilingual content in a document: *special tags are provided to _insert language_ or country language into _an HTML document_* (col 5, lines 40-50) so that the HTML document, which is a single document, includes a portion with the inserted language and the remaining in an original language. (emphasis in original)

For ease of reference, column 4, lines 40-50 is reproduced below:

> The invention provides special tags that are used to insert language or country-specific content into an HTML document. The tags are: Multi-country server-side includes (MCSSI); and Multi-language server-side includes (MLSSI). MCSSI allows locale-specific elements of an HTML document to be dynamically included as a function of the current region or country, while MLSSI allows localized elements of an HTML document to be included as a function of the current language.

"[W]hile MLSSI <u>allows</u> localized elements of an HTML document to be included as a

function of the current language" (emphasis added), as alleged by the Examiner, the Examiner

has still failed to establish that Lakritz discloses this actually occurs. Allowing something to

occur and actually have the something occur is two different things.

Appellants do not disagree that the implementation of the claimed concept can be

accomplished using well-known techniques. However, the identification within the prior art of

techniques that <u>allow</u> the limitations of a claimed invention to be implemented does not establish

that the particular claimed limitations were identically disclosed by the applied prior art. For

example, using a hammer and saw with nails and wood is also well-known; however, the mere

disclose of these techniques is not sufficient to identically disclose all the products that could

possibly result from the use of these techniques.

On page 8 of the Examiner's Answer, the Examiner made the following final assertions with regards to the teachings of Lakritz:

> Lakritz further discloses that portions of a document are translated to another language:
> - "1. *Machine Translation: automatically translate* the untranslated (*i.e.*, new) *sections of the document*" (col 13, lines 55-56)
> - "*MLSSI can be used to separate out the language-specific components of an HTML document* ... Place *any language-specific parts of a document* you wish to have managed by MLSSI in the respective language directories specified in the WP_Map file." (col 41, lines 57-67)
>
> In other words, in Lakritz a single discrete document is produced as a mixed translation of text. (emphasis in original)

At the outset, Appellants note that the Examiner cited column 13, lines 55-56 with little analysis as to what "the document" in this passage actually refers to. In this regard, the Examiner is not providing the whole story, but instead, the Examiner is inferring a story that is not factually supported by the Lakritz. Reference is initially made to Fig. 12 and column 13, lines 6-14, which are reproduced below:

> With respect to FIG. 12, when the site is current and all language content is up-to-date, the Manager's Console 1202 reports to the Web site manager 1201 that no action is required.
> If a document in the master language is subsequently updated--perhaps out-of-date product information on the Web site is being updated--the Console 1202 will immediately alert the Web site manager 1201 that the corresponding foreign language versions of the document are out-of-date and need to be re-translated.

This passages describes the aforementioned "document in the master language" alluded to above in Appellants' prior comments. The document referred to in column 13, lines 55-56, which was cited by the Examiner, is the same "document in the master language." As discussed in column 13, lines 15-31, the "document in the master language" is the document with the updated (i.e., new) sections that is to be retranslated. Lakritz teaches that "the newly updated master language document together with associated control information will be converted by the Console 1202 to an internal format," and this will be sent into a Workflow Pipeline 1206 for translation.

As described in column 14, lines 5-17, once the workflow sequence has been completed, "the translated documents are routed back to the Console 1202." Moreover, also referring to Fig. 12 and features 1210-1215, these separate translated documents are not translated into mixed languages. Instead, the translated documents are identified with only a single language (e.g., English HTML 1210, French HTML 1211, German HTML 1212, Japanese HTML 1213, Italian HTML 1214, and Spanish HTML 1215). Thus, based upon the entirety of the description found in Lakritz with regard to Fig. 12 (i.e., column 13, line 6 through column 14, line 22), Lakritz does not identically disclose that "a single discrete document is produced as a mixed translation of text," as alleged by the Examiner. Instead, Lakritz teaches using a single master language document, and from this document, Lakritz teaches the creation of other documents, each in a separate, <u>single</u> language.

The Examiner's second cited passage of column 41, lines 57-67 is reproduced below:

> As can be seen, MLSSI can be used to separate out the language-specific components of an HTML document making it easier to maintain the collection. In the previous example, if the structure of the HTML form needed to change, it would only require changing the template file, and not any of the language-specific files on the site.
> MLSSI is very easy to use by following the steps given below. 1. Place any language-specific parts of a document you wish to have managed by MLSSI in the respective language directories specified in the WP_Map file.

The Examiner's implied argument is that since MLSSI can be used to "separate out the language-specific components of an HTML document," then other portions of the HTML document are not translation. Thus, the Examiner is presumably arguing that Lakritz contemplates "a single discrete document is produced as a mixed translation of text."

This presumed argument by Examiner, however, incorrectly assumes that certain portions of the text would not be considered to be a "language-specific [component] of an HTML document." However, by definition, "text" is language-specific. Thus, all text would be deemed by Lakritz as a language-specific component and separated out using the MLSSI.

This analysis begs the question as to why Lakritz didn't refer to "textual components of an HTML document" if all text is to be considered language-specific. The reason is that besides all text, Lakritz considers that certain non-textual components of an HTML document could be considered "language-specific." For example, reference is made to column 41, lines 23-27, which is reproduced below:

> Another application of MLSSI is to include language-specific graphics or image maps within a template file.
> For example, a form-based HTML document that is a pure template can be customized with a language-specific banner and graphic at the top of the file as follows:

As apparent from this passage, "graphics, "image maps," and "banners" can also be considered by Lakritz as "language-specific" despite these features not being "text." Thus, the Examiner's cited passage of column 41, lines 57-67 does not identically disclose "a single discrete document [that] is produced as a mixed translation of text," as alleged by the Examiner. Instead, this passage refers to identifying, within a document, language-specific components (i.e., all text and certain non-textual components).

Therefore, for the reasons set forth in the Appeal Brief of January 16, 2007, and for those set forth herein, Appellants respectfully solicit the Honorable Board to reverse the Examiner's rejections under 35 U.S.C. §§ 102, 103.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 09-0461, and please credit any excess fees to such deposit account.

Date: April 3, 2007   Respectfully submitted,

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